

# METH AWARENESS: ADDRESSING THE ABUSE



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## LAW TO FIGHT METH MEANS CHANGE FOR RETAILERS, PHARMACIES

### *Kentucky's Legislation Restricting Pseudoephedrine Sales Becomes Effective June 20*

Kentucky pharmacies and retail stores will be required to comply with a new law regarding the distribution of cold and allergy medicines containing pseudoephedrine and other drugs when a state law to combat methamphetamine goes into effect in June.

Senate Bill 63, which becomes effective June 20, will make it more difficult for criminals to obtain pseudoephedrine, the key ingredient for producing meth. It will also restrict access to ephedrine and phenylpropanolamine, which can also be used to manufacture the drug.

New regulations regarding the meth precursors are a result of legislation that Governor Ernie Fletcher championed and signed into law in March to address the gravely serious and growing problem of meth use and production in Kentucky.

Meth is highly addictive and is produced in potentially explosive labs in homes, vehicles, fields and other settings.

The following is what retailers and pharmacies need to know about how Kentucky's anti-meth legislation will affect them.



Creative Services/Kentucky Commerce Cabinet

Surrounded by students and officials including Lt. Governor Steve Pence and Sen. Robert Stivers, Governor Ernie Fletcher signs Kentucky's anti-methamphetamine legislation into law in March at Owsley County High School in Booneville.

### **AS OF JUNE 20, RETAIL STORES THAT CONTAIN PHARMACIES:**

- will be permitted to continue carrying products with pseudoephedrine, ephedrine or phenylpropanolamine in tablet, caplet and powder form.
- must store products with pseudoephedrine, ephedrine or phenylpropanolamine in tablet, caplet and powder form in a secure location, such as behind a pharmacy counter or in a locked case.
- require that only a pharmacist or a pharmacist technician dispense the drugs covered in the new law.
- limit consumers to three boxes of the affected products per purchase or to 9 grams (approximately 300 of the 30-milligram tablets) within a 30-day period.
- require customers to present photo identification and provide their name and address in a logbook to obtain the medication.
- require that consumers be at least 18 years old to purchase pseudoephedrine, ephedrine or phenylpropanolamine in tablet, caplet and powder form.

### **AS OF JUNE 20, RETAIL STORES THAT DO NOT INCLUDE PHARMACIES:**

- WILL NOT be permitted to carry products containing pseudoephedrine, ephedrine or phenylpropanolamine in tablet, caplet or powder form.
- must have removed all products containing pseudoephedrine, ephedrine or phenylpropanolamine in tablet, caplet or powder form from their shelves.
- should have returned leftover products to their distributors, transferred the products to an out-of-state retailer that is not subject to restrictions or delivered them to law enforcement for disposal.
- may continue to offer consumers gel caps and liquids containing pseudoephedrine.

### **INSIDE: MORE ON ANTI-METH LEGISLATION AND HOW IT AFFECTS YOU**

- Frequently Asked Questions for Pharmacies / Retailers
- Signs, Symptoms of Meth Abuse and Manufacturing
- Know the Law - How Much Can You Sell?
- Other Important Aspects of Senate Bill 63

## FREQUENTLY ASKED QUESTIONS FOR LICENSED PHARMACIES

**Q: How many packages of a product containing ephedrine, pseudoephedrine or phenylpropanolamine in tablet, caplet or powder form may a pharmacist/pharmacist technician dispense per customer?**

**A:** Customers may purchase three packages per purchase or no more than 9 grams in a 30-day period. See chart on back page.

**Q: Is a pharmacist/pharmacist technician responsible if a person purchases more than 9 grams of product?**

**A:** The pharmacist/pharmacist technician is only responsible in the context of a single transaction; he or she must not dispense more than three boxes to a customer per purchase. The pharmacist/pharmacist technician is not required to research a consumer's transactions from the previous 30 days.

**Q: Are products that contain multiple ingredients - such as pseudoephedrine and another ingredient - restricted by the new legislation?**

**A:** Products that contain any detectable amount of ephedrine, pseudoephedrine or phenylpropanolamine in tablet, caplet or powder form are restricted.

**Q: Am I required to store the restricted products behind the pharmacy counter?**

**A:** No, but the products must be stored in a secure location that is inaccessible without assistance from a pharmacist or pharmacist technician.

**Q: Who may dispense the medication?**

**A:** Only a pharmacist or pharmacist technician may dispense the medicine. He or she must initial the logbook of customer names and addresses.

**Q: May store employees other than pharmacists/pharmacist technicians conduct the sale of the affected products?**

**A:** Yes. A pharmacist or pharmacist technician must dispense the ephedrine, pseudoephedrine or phenylpropanolamine in tablet, caplet or powder form, but after receiving the medications, customers may purchase them from another store employee.

**Q: What information must be included in the customer logbook, and how do I obtain a logbook?**

**A:** Customers must provide their signatures and addresses in the logbook to obtain the medications restricted by the new legislation. To obtain a logbook, contact the Kentucky Pharmacists Association at (502) 227-2303.

**Q: How long do I need to keep the logbook containing names and addresses of customers who have purchased ephedrine, pseudoephedrine or phenylpropanolamine in tablet, caplet or powder form?**

**A:** You must retain the logbook records for two years.

**Q: Who may inspect the logbook?**

**A:** Any city, county, state or federal law enforcement officer may review logs without a warrant.

**Q: May I maintain an electronic logbook?**

**A:** Yes, if it includes customer signatures and addresses and allows a method of inspection for law enforcement.

**Q: Is there a penalty for not maintaining a logbook?**

**A:** Yes. A person is subject to a fine of up to \$1,000 for failing to maintain an accurate log.

**Q: What should I do if I suspect someone is using or manufacturing meth?**

**A:** Contact your local law enforcement agency.

# METH AWARENESS: ADDRESSING THE ABUSE

## FREQUENTLY ASKED QUESTIONS FOR RETAILERS WITHOUT PHARMACIES

**Q: What products am I prohibited from selling if I do not have a pharmacy in my store? What agency should I contact if I have a question about whether a specific drug is prohibited?**

**A:** Stores without a pharmacy may not dispense products containing any amount of ephedrine, pseudoephedrine or phenylpropanolamine in tablet, caplet or powder form as of June 20, 2005. For questions about specific drugs, contact the Kentucky Board of Pharmacy at (502) 573-1580 or Kentucky Drug Enforcement Practices Branch at (502) 564-7985. For all other inquiries, contact the Office of Drug Control Policy at 1-888-414-ODCP.

**Q: May my store continue to sell gel-cap and liquid remedies containing any amount of ephedrine, pseudoephedrine or phenylpropanolamine?**

**A:** Yes. Gel-cap and liquid preparations are not affected by the anti-meth legislation.

**Q: May I sell tablets and caplets containing any amount of ephedrine, pseudoephedrine or phenylpropanolamine if my store keeps a logbook?**

**A:** No. The new legislation requires that only pharmacists and pharmacist technicians dispense those products.

## SIGNS AND SYMPTOMS OF METH ABUSE AND MANUFACTURING

Chapter 218A of the Kentucky Revised Statutes requires medical and pharmaceutical professionals to guard against diversion, including but not limited to items used in manufacturing methamphetamine.

People who use meth commonly produce their own supply and will seek large quantities of several products to make the drug. Among these products are pseudoephedrine tablets -- the key ingredient for making meth.

The following is a list of signs, symptoms and behavioral patterns that you should recognize as being associated with people who are abusing meth and may be seeking pseudoephedrine from a pharmacy to produce the highly addictive drug:

- Dilated pupils
- Paranoia
- Unreasonable anxiety or nervousness
- Unreasonable perspiration
- Strong chemical odor (fumes that smell like paint or ammonia)
- Chemical burns on hands and arms
- Chemical burns or stains on clothing
- Chemical stains on hands and fingers (often brown, yellow or purple from iodine)
- Quick eye and body movements
- Restlessness (Examples: Nail biting, constantly moving back and forth or from side to side)
- Frequent scanning of the surrounding area for people and surveillance cameras
- Trembling/shaky hands
- Very talkative (rambling, nervous chatter)
- Sores and ulcers on the face/hands/arms (large scabs or acne-like scars from picking at the skin)



*Theresa Baxter, a 42-year-old meth addict, poses for a 2002 mug shot, left, at a county jail in Oregon. Two and a half years later the physical results of Baxter's drug use are apparent as she poses for another mug shot.*

- Tooth decay and gum disease
- Poor excuses for not having photo identification or valid identification when attempting to purchase pseudoephedrine, ephedrine or phenylpropanolamine in tablet, caplet or powder form

***Other products that meth cooks may attempt to purchase for producing the drug:***

- |                    |                                |
|--------------------|--------------------------------|
| • Camera batteries | • Iodine                       |
| • Coffee filters   | • Funnels                      |
| • Matchbooks       | • Engine-starter fluid (Ether) |
| • Turkey basters   | • Drain opener (Lye)           |
| • Canning jars     | • Duct Tape                    |
| • Wooden spoons    | • Tubing                       |
| • Tin foil         | • Salt                         |

## KNOW THE LAW! HOW MUCH CAN YOU SELL?

**COLD REMEDIES / DECONGESTANTS** (tablets or capsules) containing pseudoephedrine, ephedrine or phenylpropanolamine

### ► How much can pharmacists/pharmacist technicians legally sell or transfer?

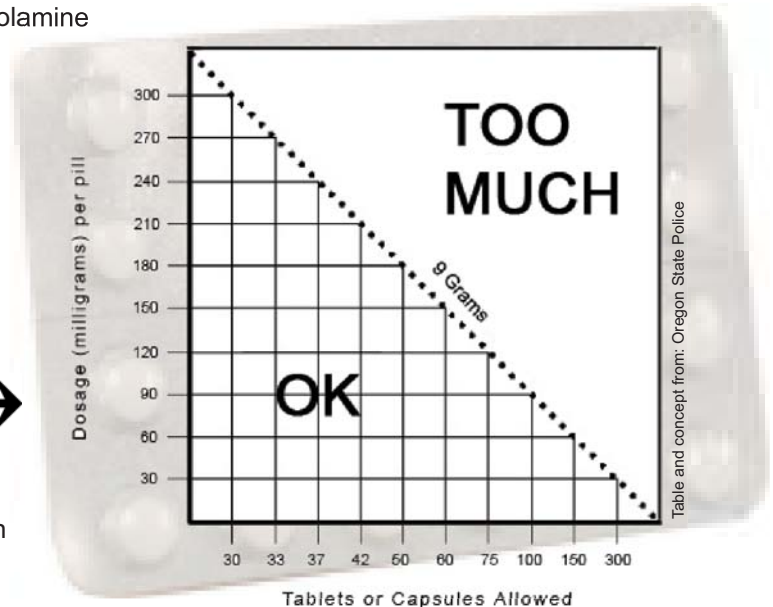
No more than 9 grams per person in a 30-day period.

### ► How do you know if it is more than 9 grams?

- Look at the package for the dosage (in milligrams).

Find that number on the left column on this table:

- Follow the line to the right until it meets the angle (9 grams). Follow the line down to the number on the bottom line. That number is the number of pills (*total*) that can be purchased in a 30-day period.



**If it's more than that, you cannot make a legal sale or transfer!**

## OTHER IMPORTANT ASPECTS OF SENATE BILL 63

Senate Bill 63 addresses the abuse of pseudoephedrine and other medications used to produce meth, but it also includes measures to answer other major meth problems, as well as prescription-drug abuse in Kentucky.

The legislation, which the Kentucky General Assembly unanimously passed, toughens the law used to prosecute those who manufacture meth, increases the criminal stakes for people who put children's lives in danger by exposing them to meth labs, and it regulates the sale of prescription drugs to Kentuckians via Internet pharmacies.

"This legislation is a crime-prevention tool," said Teresa Barton, Executive Director of the Office of Drug Control Policy.

Aside from making it more difficult for criminals to obtain medications to make meth, Kentucky's new law:

- makes it a felony to expose children to meth labs, with increasing penalties based on the child's injuries.
- allows law enforcement to charge individuals with manufacturing meth if they show intent to make the drug and possess two or more chemicals or items of equipment necessary for its production.

This part of the law addresses the 2003 Kentucky Supreme Court decision in *Kotila v. Commonwealth* in which the court ruled that the law creating a charge of manufacturing meth meant defendants had to have all of the chemicals or equipment – not just some of them – to charge a person with manufacturing meth.

- forces Internet pharmacies to register with the state's Board of Pharmacy to do business in the state.
- requires Internet pharmacies to use a drug-tracking system commonly known as KASPER.
- requires a prescription to get an Internet pharmacy order filled.
- allows prosecutors to seek civil remedies against persons trafficking in precursors or making meth.
- penalizes people who use firearms in furtherance of a drug-related crime.